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AND THE TREATMENT OF OFFENDERS

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Item 2 of the provisional agenda

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ANNOTATIONS TO THE PROVISIONAL AGENDA

Item 1. Opening of the Congress

The Congress will be convened at the Cairo International Conference Centre, Cairo, on Saturday, 29 April 1995, at 10.30 a.m.

Item 2. Organizational matters

(a) Election of the President and of other officers

Rule 6 of the provisional rules of procedure for United Nations congresses on the prevention of crime and the treatment of offenders (A/CONF.169/2) provides that the Congress shall elect from among the representatives of participating States a President, 24 Vice-Presidents and a Rapporteur-General, as well as a Chairman for each of the committees provided for in rule 45. These officers shall constitute the General Committee and shall be elected on the basis of equitable geographical distribution.

(b) Adoption of the rules of procedure

The provisional rules of procedure for United Nations Congresses on the prevention of crime and the treatment of offenders (A/CONF./169/2) were approved by the Economic and Social Council in paragraph 3 of its resolution 1993/32.

(c) Adoption of the agenda

The provisional agenda for the Ninth Congress, as finalized by the Commission on Crime Prevention and Criminal Justice at its second session, was approved by the Economic and Social Council in its resolution 1993/32. In its resolution 48/103, the General Assembly requested the Secretary-General to undertake all steps necessary to ensure the appropriate organization of the Ninth Congress, in accordance with resolution 1993/32 of the Council; in its resolution 49/157, the General Assembly decided that the theme of the Ninth Congress should be "Less crime, more justice: security for all".

(d) Organization of work

In its resolution 1993/32, the Economic and Social Council also endorsed the programme of work for the Ninth Congress, including the holding of six workshops on the following topics:

(a) Extradition and international cooperation: exchange of national experience and implementation of relevant principles in national legislation (one day);

(b) Mass media and crime prevention (one day);

(c) Urban policy and crime prevention (one day);

(d) Prevention of violent crime (one day);

(e) Environmental protection at the national and international levels: potentials and limits of criminal justice (two days);

(f) International cooperation and assistance in the management of the criminal justice system: computerization of criminal justice operations and the development, analysis and policy use of criminal justice information (two days).

Descriptions of the workshops are to be found in the discussion guide on demonstration and research workshops to be held at the Ninth Congress (A/CONF.169/PM.1/Add.1).

Also in its resolution 1993/32, the Economic and Social Council further decided to include in the programme of work of the Ninth Congress a one-day discussion in a plenary meeting on experiences in and practical measures aimed at combating corruption involving public officials.

At its third session, the Commission on Crime Prevention and Criminal Justice, as the preparatory body for the Congress, discussed in detail all the substantive and organizational aspects of the Congress, as proposed by the Secretary-General (see E/CN.15/1994/8). It is recommended, accordingly, that items 1, 2, 3 (topic I), 4 (topic II) and 7 of the provisional agenda be considered in plenary meetings, while item 5 (topic III) and the workshops listed in subparagraphs (e) and (f) above be allocated to Committee I, and item 6 (topic IV) and the workshops listed in subparagraphs (a) (b), (c) and (d) be allocated to Committee II. The plenary will also serve as the forum for heads of delegations to describe the major orientations, achievements and expectations in the field of crime prevention and criminal justice.

In its resolution 1994/19, the Economic and Social Council reaffirmed the organizational arrangements stipulated in its resolutions 1992/24 and 1993/32 and invited Member States to participate actively in the Ninth Congress, to begin the preparation of national reports and to include in their delegations senior officials, legislators, practitioners, policy makers and experts from the various sectors of the criminal justice system, including persons with expertise and experience in the subject areas of the workshops, including development aid. The Council also recommended that an introductory session on technical cooperation projects be held. In its resolution 49/157, the General Assembly approved the recommendations contained in Council resolution 1994/19 and requested the Secretary-General to translate them into action.

Further details related to organizational aspects, including the proposed timetable for the work of the Congress, will be circulated for consideration by the Congress in a note by the Secretariat (A/CONF.169/3).

(f) Credentials of representatives to the Congress:

(i) Appointment of members of the Credentials Committee

In accordance with rule 4 of the provisional rules of procedure, a credentials committee composed of nine members shall be appointed by the Congress on the proposal of the President. Its membership shall, as far as possible, be the same as that of the Credentials Committee of the General Assembly of the United Nations at its preceding session.

(ii) Report of the Credentials Committee

In accordance with rule 4, paragraph 3, of the provisional rules of procedure, the Credentials Committee shall examine the credentials of representatives and report to the Congress.

Item 3. International cooperation and practical technical assistance for strengthening the rule of law: promoting the United Nations crime prevention and criminal justice programme (topic I)

Under topic I, the role of technical assistance in strengthening the rule of law will be reviewed. Matters to be discussed will include the identification of pressing needs and the formulation and implementation of viable strategies. The purpose is to develop a workable modality to foster practical technical assistance in all regions, and explore innovative and multilateral mechanisms that would assist Member States in mobilizing their collective efforts to combat crime and review the progress made since the Eighth Congress.

In the statement of principles and programme of action of the United Nations crime prevention and criminal justice programme, annexed to General Assembly resolution 46/152, the goals of the United Nations crime prevention and criminal justice programme were identified, with emphasis on its essential role in contributing to the strengthening of regional and international cooperation, and the integration and consolidation of the efforts of Member States in this field. The scope of the programme should include appropriate forms of cooperation for the purpose of assisting States, including technical assistance and advisory services. In the statement of principles, Member States called on the international community to increase its support of technical cooperation and assistance activities for the benefit of all countries, including developing and smaller countries, and for the purpose of expanding and strengthening the infrastructure needed for effective crime prevention and viable, fair and humane criminal justice systems. More recent General Assembly and Economic and Social Council resolutions (Assembly resolutions 47/91, 48/103 and 49/159 and Council resolutions 1994/16 and 1994/19) have reiterated the need further to strengthen the programme with a view to responding more effectively to requests for assistance from Member States in priority areas. Relevant entities of the United Nations system have been invited to cooperate with the Crime Prevention and Criminal Justice Branch in this respect. Member States have also been invited to ensure that their efforts and arrangements aimed at cooperation and coordination at the bilateral and regional levels take into account the relevant activities and work of the programme.

On the recommendation of the Commission on Crime Prevention and Criminal Justice at its third session, the Economic and Social Council, in section II of its resolution 1994/19, invited the Ninth Congress to consider further ways of developing, promoting and refining forms of technical cooperation, the development of strategic alliances in the provision of advisory services and training and research programmes, the promotion of contributions in kind and the development of working manuals, by serving as a forum in which the need for technical assistance, especially in developing countries and in countries in transition, and the capacity of the donor community might meet, and by considering ways in which the United Nations Criminal Justice Information Network could be used in order to assist Member States in coordinating their bilateral and multilateral cooperation projects. The Ninth Congress was also invited to consider practical methods for promoting the exchange of experiences and information on international cooperation, including the establishment and development of depositories of information on national legislation, statistics and other data, examining the conditions that would facilitate the establishment of a mechanism to ensure coherence in international assistance efforts, both bilaterally and multilaterally.

One plenary session on technical cooperation projects will be devoted to providing assistance to countries in acquiring information about sources of funding of technical cooperation and in identifying multilateral and bilateral projects.

There will be a workshop directly related to this topic, entitled "Extradition and international cooperation: exchange of national experiences and implementation of extradition principles in national legislation". In accordance with Economic and Social Council resolution 1994/19, the workshop is expected to consider specific problems in the practical implementation of extradition treaties and related forms of international cooperation, and methods of overcoming those problems, with due regard to the necessity for observing democratic structures and control, such as the expansion and updating of the network of bilateral

and multilateral instruments, the opening of regional conventions to States from outside the region and the organization of training courses and international internships for the officials involved. The workshop is also expected to consider how, in practical terms, extradition and other international cooperation should function, general impediments to extradition, and how to balance extradition obligations against reasonable grounds for denial, including the removal of the political offence exception in the context of extradition and mutual assistance, and to review existing bilateral and multilateral treaties involving extradition, including the Model Treaty on Extradition (General Assembly resolution 45/116, annex), if necessary, in the light of recent developments.

Documentation

International cooperation and practical technical assistance for strengthening the rule of law: promoting the United Nations crime prevention and criminal justice programme: working paper prepared by the Secretariat (A/CONF.169/4)

Background paper for the workshop on extradition and international cooperation: exchange of national experiences and implementation of extradition principles in national legislation (A/CONF.169/8)

Results of the supplement to the Fourth United Nations Survey of Crime Trends and Operations of Criminal Justice Systems, on transnational crime: interim report prepared by the Secretariat (A/CONF.169/15/Add.1)

Item 4. Action against national and transnational economic and organized crime, and the role of criminal law in the protection of the environment: national experiences and international cooperation (topic II)

The main thrust of topic II is to provide participants in the Ninth Congress with an opportunity to undertake a thorough review of methods used to combat organized crime in its various dimensions, and determine the successes achieved and problems encountered. It should aim at recommending viable strategies that could make a more significant impact worldwide on organized criminal activities, curbing their infiltration into the mainstream of financial, economic, political and social life. At the same time, it is expected that participants will pay particular attention to economic criminality, such as embezzlement, restrictive trade practices to eliminate competition, tax evasion, bribery and corruption. Equally important is the consideration of the development of a strategy to develop a coordinated response to criminal acts against the environment and enhance the role of criminal law in its protection. In this connection, the attention of the Congress is drawn to Economic and Social Council resolution 1994/15, by which the Council invited Member States and relevant bodies to continue their efforts to protect nature and the environment by developing laws and fostering legal and technical cooperation and, when developing criminal laws related to the protection of the environment, to consider the recommendations annexed to that resolution. The Congress will provide a forum for participating States and other interested entities to exchange information and experiences in this field with a view to recommending the appropriate course of action commensurate with the extent and seriousness of the problems affecting the environment and the role of criminal law in its protection.

In its resolutions 45/123 and 47/87 of 16 December 1992 on international cooperation in combating organized crime, the General Assembly urged Member States to give favourable consideration to the implementation of the Guidelines for the prevention and control of organized crime[1] at both national and international levels. The Commission on Crime Prevention and Criminal Justice was requested to continue to consider ways of strengthening international cooperation in combating organized crime, taking into account the opinions of Governments, international organizations and non-governmental organizations.

On the recommendation of the Commission on Crime Prevention and Criminal Justice at its first session, the Economic and Social Council, in its resolution 1992/22, determined that one of the priority themes that should guide the work of the Commission in the development of a detailed programme would be national and transnational crime, organized crime, economic crime, including money laundering, and the role of criminal law in the protection of the environment. Also on the recommendation of the Commission, the Council, in its resolution 1993/29, requested the Secretary-General to organize the World Ministerial Conference on Organized Transnational Crime; the Conference was held at Naples, from 21 to 23 November 1994. Accentuating the priority attached to international cooperation against organized transnational crime, the Council also adopted resolutions 1994/13 on control of the proceeds of crime and 1994/14 on criminal justice action to combat the organized smuggling of illegal migrants across national boundaries, while the Commission adopted resolution 3/2 on the international traffic in minors.[2]

On the recommendation of the World Ministerial Conference on Organized Transnational Crime, the General Assembly, by its resolution 49/159, approved the Naples Political Declaration and Global Action Plan against Organized Transnational Crime (A/49/748, annex, sect. I, subsect. A) and urged States to implement them.

In its resolution 1994/19, section III, the Economic and Social Council invited the Ninth Congress to identify and address new forms of national and transnational economic and organized crime, including forms arising as a result of the use of new technology, particularly as related to economic crime, including computer-related crime, and including, *inter alia*, the possible emergence of organized illicit traffic in human body parts. The Congress was also invited to further develop measures for the prevention and control of such crimes, as well as of crimes of terrorism, taking into account the conclusions and recommendations of the meetings mentioned in section III, subparagraphs 2 (a), (b) and (c) of that resolution.

There will be a workshop directly related to this topic, entitled "Environmental protection at the national and international levels: potentials and limits of criminal justice". In the same resolution, the Council recommended that the workshop consider the range of internationally recognized environmental offences, jurisdictional questions where environmental offences have transboundary effects, the development of a manual for practitioners, improved methods for exchanging evidence, and standardization of the methods of sampling and examination. It should also consider the growing phenomenon of illicit waste dumping and the international illicit traffic in plant and animal species and in hazardous radioactive materials; the improvement of options for prosecuting such transboundary criminal offences; and a mechanism and forum for developing further appropriate instruments and methods for the protection of the environment through criminal law. The Congress was invited to consider the preparation and enforcement of law in respect of criminal conduct relating to chemical substances used for the illicit production of drugs.

Documentation

Action against national and transnational economic and organized crime and the role of criminal law in the protection of the environment: national experiences and international cooperation: working paper prepared by the Secretariat (A/CONF.169/5)

Background paper prepared by the Secretariat on international action against corruption (A/CONF.169/14)

Results of the supplement to the Fourth United Nations Survey of Crime Trends and Operations of Criminal Justice Systems, on transnational crime: interim report prepared by the Secretariat (A/CONF.169/15/Add.1)

Report of the World Ministerial Conference on Organized Transnational Crime (A/49/748, annex)

Background paper for the workshop on environmental protection at the national and international levels: potential and limits of criminal justice (A/CONF.169/12)

Other background papers

Report of the Ad Hoc Expert Group on More Effective Forms of International Cooperation against Transnational Crime, including Environmental Crime, held at Vienna from 7 to 10 December 1993 (E/CN.15/1994/4/Add.2, annex)

Report of the International Meeting of Experts on the Use of Criminal Sanctions in the Protection of the Environment, Internationally, Domestically and Regionally, held at Portland, Oregon, from 19 to 23 March 1994 (E/CN.15/1994/CRP.4)

Item 5. Criminal justice and police systems: management and improvement of police and other law enforcement agencies, prosecution, courts and corrections, and the role of lawyers (topic III)

The primary theme of topic III is the further development of ways and means of improving the management of criminal justice systems to enable them to fulfil their goals and objectives, meet priority needs and effectively deliver the required services. In view of the increasingly complex and technologically advanced changes and processes that are taking place, serious investment and efforts at different levels are required so as to improve the role of police and of other law enforcement agencies, prosecution, courts and corrections, and the role of lawyers, and to ensure coordination among these various agencies. An assessment of the impact of these changes on the management and performance of the criminal justice systems is equally important.

In its resolution 1993/34, followed up by resolutions 1994/18 and 1994/19, the Economic and Social Council reaffirmed the importance of United Nations standards, norms and guidelines in crime prevention and criminal justice and stressed the need to translate them into practice, thus enhancing the performance of the criminal justice systems and their management. The Secretary-General was requested to continue and to intensify efforts directed to the modernization of criminal justice techniques and administration, paying special attention to the needs of developing countries, introducing, *inter alia*, compatible information technology to facilitate the administration of criminal justice and to strengthen practical cooperation on crime control between Member States. The further development and strengthening of the computerized United Nations Crime and Justice Information Network will enhance its ability to promote the dissemination and exchange of information and the transfer of knowledge worldwide.

In accordance with Economic and Social Council resolution 1994/19, the Congress is invited to consider the potential of traditional and non-traditional mechanisms of justice and social control, such as processes of mediation, social reconciliation, restitution, compensation and non-custodial measures; recent developments in the functioning of criminal justice and police systems; such recent trends in criminal justice as the privatization of certain police and correctional functions, the excessive use of pretrial custody, prison overcrowding, and the development of alternatives to incarceration; and promotion of the international transfer of prisoners to their countries of origin.

There will be a workshop directly related to this topic, entitled "International cooperation and assistance in the management of the criminal justice system: computerization of criminal justice operations and the development, analysis and policy use of criminal justice information", as well as an ancillary symposium on computerization. In resolution 1994/19 the Council recommended that the workshop and symposium should evaluate progress in computerization and the policy and management use of information achieved since the Eighth Congress; discuss the process of needs assessment; consider the conditions of successful computerization; and discuss a mechanism for identifying needs for the creation of statistical infrastructures. The Council also recommended considering the compatibility of criminal statistics, support systems, computers as an investigative tool and cost-effective ways of promoting the availability of data, assessment

analysis capabilities and the exchange of information, as well as considering controls and legal measures to safeguard respect for privacy.

Documentation

Criminal justice and police systems: management and improvement of police and other law enforcement agencies, prosecution, courts and corrections, and the role of lawyers: working paper prepared by the Secretariat (A/CONF.169/6)

Results of the Fourth United Nations Survey of Crime Trends and Operations of Criminal Justice Systems: interim report prepared by the Secretariat (A/CONF.169/15)

Progress report on the United Nations Crime and Justice Information Network - present and future dimensions; towards the establishment of a United Nations crime and justice clearinghouse (A/CONF.169/13/Add.1)

Background paper for the workshop on international cooperation and assistance in the management of the criminal justice system: computerization of criminal justice operations and the development, analysis and policy use of criminal justice information (A/CONF.169/13)

Item 6. Crime prevention strategies, in particular as related to crimes in urban areas and juvenile and violent criminality, including the question of victims: assessment and new perspectives (topic IV)

Under topic IV, participants will have the occasion to exchange experiences in crime prevention efforts, with a view to devising new directions and approaches at the national and international levels regarding concepts, measures, procedures and institutions envisaged by crime prevention policies and strategies. They will also have an opportunity to exchange experiences on crime trends, improvements in data collection and analysis of crime-related statistics.

In the statement of principles and programme of action of the United Nations crime prevention and criminal justice programme (General Assembly resolution 46/152, annex), Member States recognized that the world was still beset by violence and other forms of serious crime, constituting a threat to the maintenance of the rule of law. If that situation continued, progress and development would be the ultimate victims of crime. They accordingly called for intensified international cooperation in crime prevention and criminal justice, including the creation of an effective United Nations crime prevention and criminal justice programme.

On the recommendation of the Commission on Crime Prevention and Criminal Justice, the Economic and Social Council, in its resolution 1992/22, determined that crime prevention in urban areas, juvenile and violent criminality would be one of the priority themes that should guide the work of the Commission in the development of the programme. In turn, the Commission at its third session paid particular attention to the issue of urban criminality and considered proposed guidelines for cooperation and technical assistance in the field of urban crime prevention (Economic and Social Council resolution 1994/20, annex), which are submitted for consideration by the Ninth Congress in accordance with a decision of the Economic and Social Council in its resolution 1994/20. These guidelines are expected to be finalized by the Commission at its fourth session, in the light of the comments made by the Congress.

In its resolution 3/1,[2] the Commission on Crime Prevention and Criminal Justice requested the Ninth Congress to consider violence against women and violence against children as separate questions under

topic IV and in the context of the workshop on the prevention of violent crime and to propose recommendations to the Commission in respect of legislation, procedures, policies, practices, and technical cooperation and assistance, as well as of social services, education and the dissemination of information. This request was reiterated in Economic and Social Council resolution 1994/19. The attention of the Congress is drawn to the Declaration on the Elimination of Violence against Women, adopted by the General Assembly in its resolution 48/104 of 20 December 1993, providing general guiding principles on this issue.

In accordance with section V, paragraph 1, of Economic and Social Council resolution 1994/19, the Ninth Congress is invited to examine ways of promoting cooperation in crime prevention between criminal justice agencies, on the one hand, and, *inter alia*, other agencies, businesses, associations and the public, on the other hand, in order to develop successful crime prevention activities at the local, national and international levels. Under topic IV, the Congress will also be expected to focus attention on the issue of victims of crime and the protection of their rights, in the light of the general principles contained in the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power (General Assembly resolution 40/34, annex).

There will be three workshops directly related to topic IV. In its resolution 1994/19, the Economic and Social Council recommended that the workshop on the mass media and crime prevention should focus on enlisting the support of the media in crime prevention initiatives and on identifying model projects, as well as on methods of sensitizing representatives of the media to the criminogenic effects of graphic portrayals of violence and sensationalism in the media, particularly on the young, and to consider the possible effects of sensational news coverage on the fairness of criminal trials, with due regard to the need to maintain the freedom of the press. The Council further recommended that the workshop on urban policy and crime prevention identify priorities for crime prevention in urban areas and seek methods of sensitizing the authorities responsible for urban policy and that the workshop on the prevention of violent crime identify and assess factors conducive to violent crime, and to also identify methods of developing appropriate measures, including mediation and conflict resolution.

Documentation

Crime prevention strategies, in particular as related to crimes in urban areas and juvenile and violent criminality, including the question of victims: assessment and new perspectives: working paper prepared by the Secretariat (A/CONF.169/7)

Background paper for the workshop on the mass media and crime prevention (A/CONF.169/9)

Background paper for the workshop on the prevention of violent crime (A/CONF.169/11)

Background paper for the workshop on urban policy and crime prevention (A/CONF.169/10)

Item 7. Adoption of the report of the Congress

Under rule 52 of the provisional rules of procedure (A/CONF.169/2), the Congress is to adopt a report, the draft of which shall be prepared by the Rapporteur-General. The Commission on Crime Prevention and Criminal Justice was requested by the General Assembly in its resolution 49/157 to give priority attention, at its fourth session, to the conclusions and recommendations of the Ninth Congress, with a view to recommending appropriate follow-up, through the Economic and Social Council, by the General Assembly at its fiftieth session.

General background documentation before the Congress

Discussion guide [for the regional preparatory meetings for the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders] (A/CONF.169/PM.1 and Corr.1)

Discussion guide on demonstration and research workshops to be held at the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders (A/CONF.169/PM.1/Add.1)

Report of the Asia and Pacific regional preparatory meeting for the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders (A/CONF.169/RPM.1/Rev.1 and Corr.1)

Report of the African regional preparatory meeting for the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders (A/CONF.169/RPM.2)

Report of the European regional preparatory meeting for the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders (A/CONF.169/RPM.3 and Corr.1)

Report of the Latin American and Caribbean regional preparatory meeting for the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders (A/CONF.169/RPM.4)

Report of the Western Asia regional preparatory meeting for the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders (A/CONF.169/RPM.5)

Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, 27 August-7 September 1990: Report Prepared by the Secretariat[3]

Report of the Commission on Crime Prevention and Criminal Justice on its third session[4]

Report of the World Ministerial Conference on Organized Transnational Crime (A/49/748, annex)

Notes

[1]*Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, 27 August-7 September 1990, Report Prepared by the Secretariat* (United Nations publication, Sales No. E.91.IV.2), chap. I, sect. C, resolution 24, annex.

[2]See *Official Records of the Economic and Social Council, 1994, Supplement No. 11* (E/1991/31), chap. I, sect. C.

[3]United Nations publication, Sales No. E.91.IV.2.

[4]*Official Records of the Economic and Social Council, 1994, Supplement No. 11* (E/1994/31).